

REMARKS

I. Introduction

In response to the Office Action dated March 3, 2005, Applicants have amended claim 1 to incorporate the claimed subject matter recited by claims 3 and 12. The dependency of claims 4-6 has also been amended to depend on amended claim 1. No new matter has been added.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

II. The Rejection Of Claims 1-5 and 7-15 Under 35 U.S.C. § 102

Claims 1-5 and 7-15 are rejected under 35 U.S.C. §102(a) as being anticipated by Okuda (Biotechnology and Bioengineering, Vol. 84, No. 2, pages 187-194, August 1, 2003). As claims 14-15 have been canceled, the rejection thereto is moot. For the remaining claims, Applicants respectfully traverse this rejection for at least the following reasons.

Applicants have enclosed a certified translation of the Japanese priority document (Japanese patent application No. 2003-105676) to perfect the claim of priority. Applicants respectfully submit that the pending application, entitled to a priority date of April 9, 2003, precedes the publication date of Okuda. Accordingly, Okuda does not qualify as prior art relative to the subject application.

More specifically, Okuda is published on August 1, 2003 . The earliest date under which Okuda could be considered prior art under 35 U.S.C. § 102(a) is August 1, 2003. Because the present application has a filing date of November 7, 2003 and a priority date of April 9, 2003, Okuda is not prior art to the instant application.

For at least the foregoing reasons, Applicants respectfully submit that the pending rejections must be withdrawn.

III. The Rejection Of Claims 1-3, 5-11 and 14-15 Under 35 U.S.C. § 102

Claims 1-3 and 5-11 are rejected under 35 U.S.C. §102(b) as being anticipated by USP No. 5,304,382 to Monzyk. As claim 12, which is not rejected in view of Monzyk, has been incorporated into claim 1, Applicants respectfully submit that claims 1, as amended, is patentable over Monzyk. Indeed, Monzyk is completely silent with regard to any carbon dioxide, let alone specifically bubbling such carbon dioxide to produce a solution containing a carbonate ion and/or a hydrogen carbonate ion. Accordingly, it is respectfully submitted that amended claim 1 is now in condition for allowance.

IV. The Rejection Of Claims 14 and 15 Under 35 U.S.C. § 102

Claims 14-15 are rejected under 35 U.S.C. §102(b) as being anticipated by USP No. 5,690,903 to Hainfeld. Claims 14-15 are also rejected under 35 U.S.C. §102(b) as being anticipated by WO 98/22942 to Mayes. Claims 14-15 are further rejected under 35 U.S.C. §102(b) as being anticipated by USP No. 5,304,382 and USP No. 5,358,722 to Monzyk. As claims 14-15 have been canceled, it is respectfully submitted that the rejections thereto are moot.

V. All Dependent Claims Are Allowable Because The Independent Claims From Which They Depend Are Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are

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contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as independent claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also in condition for allowance.

VI. Conclusion

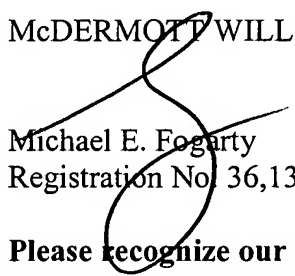
Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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